

Defendant's letter of November 23 does not comply with the Court's Individual Practices 3. A. (ii) and thus plaintiff cannot respond in compliance with 3. A. (i).

SHOOK
HARDY & BACON

William E. Vita

By ECF

The Honorable P. Kevin Castel
U.S. District Court
Federal Building and United States Courthouse,
500 Pearl St.
New York, NY 10007-1312

The Conference will
be adjourned to
December 21, 2022
at 3:30 PM
to permit compliance.

1325 Avenue of the Americas
28th Floor
New York, NY 10019
ext. 77002
t 212.989.8844
dd 212.779.6103
Email: wvita@shb.com

Letter motion (Doc 10)
is terminated.

Re: Michael Lester v. CVS Pharmacy, Inc.
S.D.N.Y. Case No. 1:22-cv-07334
Initial Status Conference: November 29, 2022

SO ORDERED
[Signature]
USD
11-28-22

Dear Judge Castel:

Defendant CVS Pharmacy writes on behalf of itself and plaintiff to jointly request that this Court stay all discovery in this matter and adjourn the Initial Status Conference set for November 29, 2022.

The parties conducted a Rule 26(f) conference on November 18, 2022. The parties discussed a responsive pleading date of December 27, 2022. It is Defendant's intention to file a Motion to Dismiss. Defendant's expected motion to dismiss will be based on preemption along with other arguments. As this motion could result in a dismissal of the entire case, the parties agreed to stay discovery until the Court rules on the motion to dismiss. Further, if discovery is stayed, the parties do not feel that the status conference set for November 29, 2022 would be necessary or productive at this time. No previous application for an adjournment has been made.

If some elements of the case remain, the parties suggest exchanging initial disclosures 30 days following the resolution of the pleadings. The parties respectfully request that they be permitted to prepare an initial case management statement 30 days following the resolution of the pleadings. The parties also request that the Court schedule a conference approximately 45 days after the resolution of the pleadings or at any time that is convenient for the Court.

The parties agree that there is no prejudice to either party requesting the stay and since the motion could be dispositive, staying discovery would be efficient for the parties and the Court.

Thank you for your time and attention to this matter.

Respectfully submitted,

/s/ William E. Vita
William E. Vita